

Message Text

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PAGE 01 STATE 077108

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TO AMEMBASSY PARIS IMMEDIATE

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E.O. 11652: GDS

SUBJECT: RULES OF PROCEDURE FOR CONSUMERS/PRODUCERS

REF: PARIS 8405 PASS ENDERS AND BOSWORTH

1. IN RESPONSE TO OUR REQUEST, WE HAVE RECEIVED DRAFT RULES OF PROCEDURE PROPOSED FOR PREPCON BY FRANCE (REFTTEL). INFORMAL TRANSLATION SET OUT BELOW. RULES ARE SIMPLE AND, AS FAR AS THEY GO, MEET OUR BASIC REQUIREMENTS, THOUGH THREE POINTS REQUIRE CLARIFICATION OR ELABORATION.

(A) RULES PROVIDE THAT ALL DECISIONS AND RECOMMENDATIONS, ON SUBSTANCE OR PROCEDURE, SHALL BE ADOPTED BY CONSENSUS. AS NOTED IN OUR BRIEFING PAPER, THIS IS ACCEPTABLE IF, BUT ONLY IF, CONSENSUS IS UNDERSTOOD TO MEAN ADOPTION WITHOUT OBJECTION BY ANY PARTY WHOSE
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PAGE 02 STATE 077108

INTERESTS MIGHT BE AFFECTED. WE RECOMMEND THAT AT

APRIL 7 IEA GOVERNING BOARD MEETING ONE OF THE IEA PARTICIPANTS IN THE PREPCON (IDEALLY, THE E.C.) SHOULD BE DESIGNATED TO EXPRESS THIS UNDERSTANDING OF MEANING OF CONSENSUS WHEN DRAFT RULES OF PROCEDURE ARE PROPOSED. AFTER THIS UNDERSTANDING HAS BEEN ESTABLISHED, WE SHOULD FEEL FREE DURING REMAINDER OF PREPCON TO TAKE A BROAD VIEW OF WHAT MIGHT AFFECT OUR INTERESTS.

(B) NOTHING IS SAID IN THE RULES ABOUT ROLE OF OBSERVERS, INCLUDING IEA. WE SHOULD SEEK AN ADDITION TO THE RULES, PROVIDING THAT OBSERVERS (OR ALTERNATIVELY, THE IEA REPRESENTATIVE) MAY PARTICIPATE IN DELIBERATIONS OF PREPCON AND ANY BODIES IT MAY ESTABLISH, WITH RIGHT TO SPEAK, MAKE PROPOSALS AND CIRCULATE DOCUMENTS, BUT WITHOUT CONSTITUTING AN ELEMENT OF CONSENSUS REQUIRED FOR ADOPTION OF DECISIONS OR RECOMMENDATIONS.

(C) THE DRAFT RULES EXPRESSLY LEAVE OPEN THE QUESTION OF WHO SHOULD PRESIDE IN THE ABSENCE OF THE CHAIRMAN OF THE PREPCON. WE RECOMMEND THAT THE U.S. PROPOSE THAT CHAIRMAN DESIGNATE A FRENCH OFFICIAL TO PRESIDE IN HIS ABSENCE. THIS FORMULA WOULD EMPHASIZE TECHNICAL NATURE OF CHAIRMANSHIP AND WOULD NOT LET FRENCH OFF THE HOOK WITH RESPECT TO ANY UNDERSTANDINGS THAT WE MAY HAVE REACHED (AS ON THE INTERPRETATION OF QUOTE CONSENSUS UNQUOTE). AT THE SAME TIME, IT MAY BE SEEN AS A GRACIOUS GESTURE ON OUR PART.

2. RULES OF PROCEDURE FOR PREPCON WILL NOT NECESSARILY, OR PROBABLY BE FULLY APPROPRIATE OR ADEQUATE FOR CONFERENCE ITSELF. THOUGH WE CANNOT DEVELOP A FINAL VERSION UNTIL SOME BASIC DECISIONS ARE TAKEN, E.G., ON THE PARTICIPANTS, WE ARE PREPARING SOME ALTERNATIVE SUGGESTIONS ON RULES FOR CONFERENCE FOR POSSIBLE USE DURING PREPCON DELIBERATIONS.

3.FOLLOWING OUR INFORMAL TRANSLATION OF DRAFT RULES OF PROCEDURE PROPOSED BY FRENCH.

1) THE CHAIRMAN SHALL GIVE THE FLOOR TO LIMITED OFFICIAL USE

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PAGE 03 STATE 077108

DELEGATES IN THE ORDER IN WHICH THEY HAVE REQUESTED IT.

2) THE CHAIRMAN MAY OPEN AND CLOSE THE DEBATE AFTER OBTAINING THE AGREEMENT OF ALL DELEGATIONS.

3) IF A PARTICIPANT RAISES A POINT OF ORDER, THE CHAIRMAN WILL IMMEDIATELY GIVE A RULING ON THAT POINT.

4) IT IS AGREED THAT ALL DECISIONS OR RECOMMENDATIONS, WHETHER THEY CONCERN PROCEDURE OR SUBSTANCE, WILL BE ADOPTED BY CONSENSUS.

5) WORKING GROUPS MAY BE CONSTITUTED IN SO FAR AS THERE IS A NEED FOR THEM. EACH GROUP WILL DESIGNATE ITS CHAIRMAN.

6) EACH DELEGATION WILL MAKE ITS OWN RECORD OF THE PROCEEDINGS, FOR WHICH THERE WILL NOT BE A SUMMARY RECORD.

7) THE WORKING LANGUAGES OF THE CONFERENCE ARE: ENGLISH, ARABIC, SPANISH, AND FRENCH.

8) INTERVENTIONS IN ONE OF THE WORKING LANGUAGES WILL BE INTERPRETED INTO THE OTHER THREE.

9) ALL DOCUMENTS WILL BE DISTRIBUTED IN THE FOUR WORKING LANGUAGES.

10) THE PROCEEDINGS OF THE PREPARATORY CONFERENCE, WHETHER IN PLENARY SESSION OR OF THE WORKING GROUPS, WILL BE KEPT CONFIDENTIAL.

11) THE PRESS WILL NOT BE ADMITTED TO THE DISCUSSIONS EXCEPT AT TIMES AGREED BETWEEN THE CHAIR AND THE DELEGATIONS.

12) IN CASE OF THE ABSENCE OR NON-AVAILABILITY OF THE CHAIRMAN, THE CHAIRMANSHIP OF THE PLENARY SESSIONS WILL BE UNDERTAKEN (UPON COMMON AGREEMENT BY ONE OF THE HEADS OF DELEGATION) (BY THE REPRESENTATIVE OF THE LIMITED OFFICIAL USE

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PAGE 04 STATE 077108

SECRETARY-GENERAL OF THE UNITED NATIONS) (SOME OTHER FORMULA). INGERSOLL

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